

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person by **5:00 p.m. on October 11, 2004**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407 and 10781 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9561, 9562, 9570, and 9574 of said Code, the Department of Food and Agriculture is considering changes to Article 8 and Article 8.5 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Food and Agricultural Code Section 9561 authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this state. Section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

The Department has in place existing disease control regulations for the importation of swine in compliance with sections 9561 and 9562. This proposal makes technical amendments for organizational purposes to the regulations, repeals outdated requirements and replaces them with updated requirements to control the spread of swine brucellosis and pseudorabies.

Specifically, this proposal amends the heading of Article 8 (Swine Disease Programs) and repeals outdated swine movement and hog cholera requirements from existing sections 795.10, 795.13, 795.14, 795.16, 795.17, 795.19, 795.30, 795.32, 795.33, and 795.50 of Title 3 of the California Code of Regulations. This proposal also adopts new Article 8.5 (Interstate and Intrastate Movement of Swine) and sections 796, 796.1, 796.2, 796.3, 796.4, 796.5, 796.6, 796.7, 796.8, and 796.9 to be consistent with federal and international laws for animal disease control.

The updated requirements provide a definition of the terms, describe the general requirements for livestock entering California, and the specifics for obtaining an Interstate Livestock Entry Permit and a Certificate of Veterinary Inspection. The requirements also specify the treatment, vaccination and testing requirements for the prevention of swine brucellosis and pseudorabies, and specify violations.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would not have significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal contains (1) disease testing requirements and (2) record keeping requirements for slaughter facilities choosing to import swine using the Department's annual import permit.

(1) The costs associated with the disease testing requirements cannot be determined by the Department for businesses. Many livestock owners, public auctions, salesyards and feedlots may utilize their own staff veterinarians to conduct disease testing, or administer vaccinations and treatment to livestock. Privately employed veterinarians, or any state licensed veterinarian, may become accredited to perform the testing required by these regulations through federal agencies. Other persons or businesses may need to pay for veterinary services as needed to comply with these regulations, as all costs are to be borne by the owner of the livestock. The Department cannot approximate costs for veterinary services as they vary by region, some veterinarians are salaried employees of businesses, and many businesses are located in remote areas which all affect costs.

(2) The costs associated with the record-keeping requirement cannot be determined as the number of animals entering the slaughter facility cannot be forecasted, as these animals have not yet been identified. However, the Department has determined that record keeping is a standard business practice for persons marketing livestock and necessary for the tracking or tracing of animals found to be infected with diseases having the potential to cause serious health risks to livestock in the state.

In making these determinations, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that is known to the Department are: (1) disease testing requirements and (2) record keeping requirements for slaughter facilities choosing to import swine using the Department's annual import permit.

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Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

### CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

## INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

## CONTACT PERSONS

Inquires concerning the substance of the proposed regulations is to be addressed to the following:

Name:	Anita J. Edmondson, BVM&S, MPVM, MRCVS
Address:	Department of Food and Agriculture Animal Health and Food Safety Services 1220 N Street, Room A-114 Sacramento, CA 95814
Telephone No.:	(916) 654-1265
Fax No.:	(916) 653-4249
E-mail address:	<a href="mailto:aedmondson@cdfa.ca.gov">aedmondson@cdfa.ca.gov</a>

The backup contact person is:

Name:	Nancy Grillo, Associate Analyst
Address:	Department of Food and Agriculture Animal Health and Food Safety Services 1220 N Street, Room A-114 Sacramento, CA 95814
Telephone No.:	(916) 651-7280
Fax No.:	(916) 653-4249
E-mail address:	<a href="mailto:ngrillo@cdfa.ca.gov">ngrillo@cdfa.ca.gov</a>

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name:	Nancy Grillo, Associate Analyst
Address:	Department of Food and Agriculture Animal Health and Food Safety Services 1220 N Street, Room A-114 Sacramento, CA 95814
Telephone No.:	(916) 651-7280
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E-mail address:	<a href="mailto:ngrillo@cdfa.ca.gov">ngrillo@cdfa.ca.gov</a>

Website Access:

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>